

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Encore Wire Corporation,

Plaintiff,

v.

Southwire Company, LLC,

Defendant.

Civil Action No. 4:23-CV-00821

JURY TRIAL DEMANDED

PROPOSED SCHEDULING ORDER

<u>Encore's Proposed Date</u>	<u>Southwire's Proposed Date</u>	<u>Event</u>
May 9, 2024		Rule 26(f) Attorney Conference
May 23, 2024		Joint Report Due
May 23, 2024		Rule 26 Initial Disclosures
June 11, 2024 at 1:30 p.m. Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090		Case Management Conference
No Applicable Rule / Contrary to P.R. 3-5	June 21, 2024	Encore's Non-Infringement Contentions
No Applicable Rule/ Contrary to P.R. 3-4 and P.R. 3-5	June 21, 2024	P.R. 3-5(a) / P.R. 3-4(a) Document Production (including inspection of accused products)
N/A – See P.R. 3-5 To the extent a Counterclaim of infringement is made, 10 days after Encore's Answer to such Counterclaims		P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions (and P.R. 3-2 document production) to be served.
July 16, 2024		Join Additional Parties
N/A – See P.R. 3-5		P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served.

<u>Encore's Proposed Date</u>	<u>Southwire's Proposed Date</u>	<u>Event</u>
To the extent a Counterclaim of invalidity is made, 10 days after Southwire's Answer to such Counterclaims		
July 16, 2024 Mandatory Disclosures on issues specific to Encore's Declaratory Judgment Complaint		To extent not already required to be disclosed, exchange Mandatory Disclosures.
N/A (contrary to Court's Local Rules)	No later than July 26, 2024	Parties Complete Early Mediation
July 26, 2024	If early mediation is ordered August 15, 2024 Otherwise July 26, 2024	Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1).
July 30, 2024		Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
August 15, 2024	If early mediation is ordered August 29, 2024 Otherwise August 15, 2024	Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same (P.R. 4-2).
September 10, 2024		Parties' Final Amended Pleadings (A motion for leave is required.)
September 16, 2024	If early mediation is ordered September 30, 2024 Otherwise September 16, 2024	Joint Claim Construction and Prehearing Statement to be filed (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.
October 1, 2024		Respond to Amended Pleadings
October 14, 2024	If early mediation is ordered October 21, 2024 Otherwise October 14, 2024	Completion date for discovery on claim construction (P.R. 4-4).
October 29, 2024		Opening claim construction brief (P.R. 4-5(a)).
November 5, 2024		Submit technology synopsis/tutorial (both hard copy and disk).

<u>Encore's Proposed Date</u>	<u>Southwire's Proposed Date</u>	<u>Event</u>
November 12, 2024		Responsive claim construction brief (P.R. 4-5(b)).
November 19, 2024		Reply claim construction brief (P.R. 4-5(c)).
November 25, 2024		Parties to file joint claim construction and chart (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible.
December 3, 2024 at 1:30 p.m. Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090		Claim Construction Hearing
TBD	Per above, early mediation to be completed no later than July 26, 2024	Mediation
January 7, 2025		Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this court's order or the Patent Rules, nor an excuse to delay disclosure of information. It is a "catchall" deadline for provision of all remaining information which may be relevant to a claim or defense of any party at trial.
February 4, 2025	January 21, 2025	Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(a)(2)(B).
February 11, 2025		Comply with P.R. 3-7. (Designation of Willfulness Opinions).

<u>Encore's Proposed Date</u>	<u>Southwire's Proposed Date</u>	<u>Event</u>
February 18, 2025	February 11, 2025	Parties to Designate Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B). Note: Objections to any expert, including Daubert motions, shall be filed within 3 weeks after the expert's Report has been disclosed. Such objections and motions are limited to ten pages each.
March 4, 2025	February 25, 2025	Discovery Deadline. All discovery must be served in time to be completed by this date.
March 4, 2025	March 4, 2025	File Dispositive Motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rule CV-7. Responses to motions shall be due in accordance with Local Rule CV-7(e).
June 16, 2025		Notice of intent to offer certified records
June 16, 2025		Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order (See www.txed.uscourts.gov) and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases).

<u>Encore's Proposed Date</u>	<u>Southwire's Proposed Date</u>	<u>Event</u>
June 23, 2025		<p>Deposition Designation due. Each party who proposes to offer a deposition shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and request cross-examination line and page numbers to be included. Counsel must consult on any objections, and only those which cannot be resolved shall be presented to the Court.</p> <p>The party who filed an initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations, the applicable Federal Rules of Civil Procedure, and the Court's rulings on objections.</p>
June 23, 2025		<p>Motions in limine due.</p> <p>File Joint Final Pretrial Order. Exchange Exhibits and deliver copies to the court. At this date, all that is required to be submitted to the court is a hyperlinked exhibit list on disk (2 copies) and no hard copies</p>
July 7, 2025		<p>Response to motions in limine due.</p> <p>File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order. (This does not extend the deadline to object to expert witnesses). If numerous objections are filed the court may set a hearing prior to the final pretrial conference.</p>

<u>Encore's Proposed Date</u>	<u>Southwire's Proposed Date</u>	<u>Event</u>
		<p>File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).</p> <p>If Parties will be requesting daily copy of the transcript during trial, they must notify the Court's court reporter, Chris Bickham, Chris_Bickham@txed.uscourts.gov, by this date.</p>
<p>July 21, 2025 at 2:30 p.m. Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090</p>		Final Pretrial Conference
<p>TBD at 10:00 a.m. Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090</p>		Jury Selection and Trial